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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE:       **Oak Knolls Mutual Water Company Water System**  
                  Water System No. 1500465

TO:           Jim Palliretto, President  
                  Oak Knolls Mutual Water Company  
                  P.O. Box 3369  
                  Lake Isabella, CA 93240

**BY REGISTERED MAIL**

**CITATION FOR NONCOMPLIANCE -- Water System No. 1500465  
TOTAL COLIFORM MCL VIOLATION – March 2012  
Citation No. 03-19-13C-011**

**Issued on May 28, 2013**

**STATEMENT OF FACTS**

**Oak Knolls Mutual Water Company Water System** (hereinafter Water Company) is classified as a community water system and serves a population of approximately 135 persons through 55 service connections. The Water Company has three active sources of supply, Well 01 (PS Code: 1500465-002), Well 02 (PS Code: 1500465-003), Well 03 (PS Code: 1500465-001), one 5,250-gallon storage tank and a 10,500-gallon storage tank. Continuous chlorination treatment is provided to the well water using sodium hypochlorite solution and was added in 2009, per directives from the California Department of Public Health. The Water Company operates under the authority of a domestic water supply permit (No. 465) issued on May 3, 1971, by the Kern County Environmental Health Services Department. The Water Company has submitted a permit amendment application and the Department will soon issue a

1 permit amendment. Until a permit amendment is issued, the Water Company is  
2 authorized to provide chlorination treatment.

3  
4 The Southern California Drinking Water Field Operations Branch, Division of  
5 Drinking Water and Environmental Management, California Department of Public  
6 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking  
7 Water Act and regulations promulgated pursuant thereto.

- 8
- 9 • The Water Company is required to collect one (1) routine bacteriological  
10 sample per month. Please refer to the Water Company's approved  
11 Bacteriological Sample Siting Plan (BSSP) or Table 64423-A.
  - 12 • One (1) routine bacteriological quality sample collected on March 29, 2012,  
13 from the distribution system, tested positive for total coliform bacteria.
  - 14 • One (1) out of four (4) repeat bacteriological quality samples collected on April  
15 2, 2012, from the distribution system, tested positive for total coliform  
16 bacteria.
  - 17 • Three (3) Ground Water Rule triggered source samples collected on April 18,  
18 2012, from Wells 01, 02 and 03, tested negative for total coliform bacteria.
  - 19 • **The Ground Water Rule trigger source samples were not collected within**  
20 **24 hours of being notified of the total coliform positive result.**
  - 21 • None of the bacteriological quality samples collected in March and April 2012  
22 from the distribution system or the system wells, tested positive for *E.coli*  
23 bacteria.
  - 24 • **Oak Knolls Mutual Water Company failed the total coliform maximum**  
25 **contaminant level (MCL) for March 2012 [Section 64426.1(b)(2),**  
26 **Authorities].**
- 27

- 1 • On April 4, 2012, McMor Chlorination Inc., the Water Company's contract  
2 sampler and certified distribution operator, notified the Department that the  
3 Water Company failed the total coliform MCL for March 2012.
- 4 • On April 26, 2012, a Tier-2 public notice and Proof of Notification were  
5 mailed to the Water Company, for the March 2012 total coliform MCL failure.
- 6 • On April 19, 2013, the Department sent another reminder letter to the Water  
7 Company and requested submittal of the public notice and Proof of  
8 Notification.
- 9 • On April 24, 2013, the Department received signed and dated copies of the  
10 public notice and Proof of Notification from the Water Company. According  
11 to these documents, public notification was completed on May 1 and 2, 2012.
- 12 • On April 26, 2012, an investigation report was mailed to the Water Company  
13 for the March 2012 total coliform MCL failure.
- 14 • On April 16, 2013, the Department received a completed copy of the  
15 investigation report, in response to the March 2012 total coliform MCL failure.  
16 The investigation report was completed by Dennis Gatson of McMor  
17 Chlorination, Inc. and did not identify any cause of contamination. The Water  
18 Company flushed the distribution system to help clear bacteriological  
19 contamination from the distribution system.
- 20 • The Water Company was required to collect five routine distribution system  
21 samples in April 2012.
- 22 • Five (5) routine samples collected on April 18, 2012, from the distribution  
23 system, tested negative for total coliform bacteria.
- 24 • All routine distribution and well bacteriological quality samples collected from  
25 May 2012 to April 2013 have tested negative for total coliform bacteria.  
26  
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- The Water Company provides continuous chlorination treatment. As such, the Water Company is required to conduct quarterly bacteriological monitoring of the raw water from the system wells. It is noted that the Water Company failed to do this monitoring in the first quarter of 2013.
- All bacteriological results collected from January 2012 to April 2013 are summarized in **Attachment A**.

### **AUTHORITIES**

**Section 116577 of the CHSC**, states in relevant part:

“(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

**Section 116650 of the California Health and Safety Code** (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is

total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

CCR, Title 22 Section 64430, Addendum Section 141.402 establishes the California Ground Water Rule and states in relevant part:

(a) *Triggered source water monitoring* —

(1) *General requirements.* A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (a)(1)(i) and (a)(1)(ii) of this section exist.

(i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a State-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and

(ii) The system is notified that a sample collected under 22 California Code of Regulations sections 64422 and 64423 is total coliform-positive and the sample is not invalidated under 22 California Code of Regulations section 64425.

"(2) *Sampling requirements.* A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under 22 California Code of Regulations sections 64422 and 64423, except as provided in paragraph (a)(2)(ii) of this section.

(i) The State may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the ground water source water sample within 24 hours due to circumstances beyond its control. In the case of an extension, the State must specify how much time the system has to collect the sample.

(ii) If approved by the State, systems with more than one ground water source may meet the requirements of this paragraph (a)(2) by sampling a representative ground water source or sources. If directed by the State, systems must submit for State approval a triggered source water monitoring plan that identifies one or more ground water sources that are representative of each monitoring site in the system's sample siting plan under 22 California Code of Regulations sections 64422 and 64423 and that the system intends to use for representative sampling under this paragraph.

(iii) A ground water system serving 1,000 people or fewer may use a repeat sample collected from a ground water source to meet both the requirements of 22 California Code of Regulations section 64424 and to satisfy the monitoring requirements of paragraph (a)(2) of this section for that ground water source only if the State approves the use of *E. coli* as a fecal indicator for source water monitoring under this paragraph (a). If the repeat sample collected from the ground water source is *E. coli* positive, the system must comply with paragraph (a)(3) of this section.

**DETERMINATIONS**

Based upon the above Statement of Facts and Authorities, the Department determines that the Oak Knolls Mutual Water Company has violated the following:

1. CHSC Section 116555(a)(3): Specifically, the Water Company failed to ensure that the water system is provided with a reliable and adequate supply for pure, wholesome, healthful, and potable water.
2. CCR, Title 22, Section 64426.1(b)(2): Specifically, the Water Company violated the total coliform MCL for March 2012 when more than one sample collected in March 2012, tested positive for total coliform bacteria.
3. CCR, Title 22, Section 64430, Addendum Section 141.402 (2): Specifically, During the month of March 2012, the Ground Water Rule trigger source samples were not collected within 24 hours of being notified of the routine total coliform positive results.

The above violations are classified as non-continuing violations.

**DIRECTIVES**

The Oak Knolls Mutual Water Company is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) and 64430 of Title 22, California Code of Regulations (CCR).

2. In the future, the Water Company shall collect the Ground Water Rule triggered source samples within 24 hours of receipt of notification of a routine total coliform positive sample(s) from its contract laboratory.
3. All water produced by the Water Company's wells shall receive continuous chlorination treatment and detectable chlorine residual shall be maintained at all times in the distribution system. The chlorination treatment shall be operated under the supervision of a certified water treatment or distribution operator.
4. The Water Company shall conduct quarterly bacteriological monitoring of the raw well water and report the results in MPN/100 mL.
5. The Water Company shall reimburse the Department, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the Department) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).
6. Any document requested by the citation shall be submitted to the following address:

Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer  
Department of Public Health  
Southern California Branch  
Drinking Water Field Operations  
4925 Commerce Drive, Suite 120  
Bakersfield, CA 93309  
Fax: (661) 335-7316



**FURTHER ENFORCEMENT ACTIONS**

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

**PARTIES BOUND**

This citation shall apply to and be binding upon Oak Knolls Mutual Water Company, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this citation are severable, and Oak Knolls Mutual Water Company shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTY**

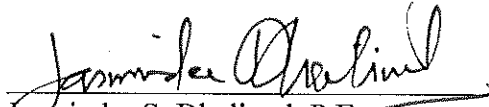
Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred

1 dollars) for each day that the violation continues beyond the date set for correction in  
2 this Citation.

3  
4 The Department does not waive any further enforcement action by issuance of this  
5 citation, and expressly reserves the right to issue a citation with penalties for the  
6 violations on which the Directives of this citation are based.

7  
8  
9 May 28, 2013

10 Date

11   
12 Jaswinder S. Dhaliwal, P.E.  
13 Senior Sanitary Engineer  
14 Tehachapi District  
15 SOUTHERN CALIFORNIA BRANCH  
16 DRINKING WATER FIELD OPERATIONS

17 **Attachments**

18 Attachment A: Summary of Distribution System Bacteriological Results from  
19 January 2012 to April 2013

20 cc: Kern County Environmental Health Services Department (w/o attachment)  
21 McMor Chlorination, Inc. (via email)

22 JSD/mlm  
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## **ATTACHMENT A**

# ***Oak Knolls Mutual Water Company***

***1500465***

***Distribution System Freq: 1/M***

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/11/2012	13:13	3ROU	A	A		Routine	1.00		
2/29/2012	12:14	4ROU	A	A		Routine	0.60		
3/29/2012	11:57	3ROU	P	A		Routine	0.18	MCL	Citation issued 03-19-13C-011.
4/2/2012	9:40	3ROU	A	A		Repeat	0.15		
4/2/2012	9:47	3REP3	P	A		Repeat	0.21		Sample counts towards March 2012 Compliance
4/2/2012	9:57	3REP1	A	A		Repeat	0.25		
4/2/2012	10:03	3REP2	A	A		Repeat	0.23		
4/18/2012	12:25	3ROU	A	A		Routine	1.6		
4/18/2012	12:30	1ROU	A	A		Routine	1.6		
4/18/2012	12:36	2ROU	A	A		Routine	1.85		
4/18/2012	12:40	5ROU	A	A		Routine	1.72		
4/18/2012	12:46	4ROU	A	A		Routine	1.68		
5/9/2012	11:15	5ROU	A	A		Routine	0.70		
6/20/2012	9:50	1ROU	A	A		Routine	0.29		
7/11/2012	9:52	2ROU	A	A		Routine	0.15		
8/8/2012	13:51	3ROU	A	A		Routine	0.95		
9/5/2012	13:44	4ROU	A	A		Routine	0.60		
10/10/2012	14:23	5ROU	A	A		Routine	1.19		
11/7/2012	13:36	1ROU	A	A		Routine	1.00		
12/5/2012	14:06	2ROU	A	A		Routine			
1/3/2013	10:43	3ROU	A	A		Routine	1.25		
2/8/2013	13:30	4ROU	A	A		Routine	0.50		
3/20/2013	14:13	3ROU	A	A		Routine	1.00		
4/3/2013	11:59	4ROU	A	A		Routine	0.80		

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## ***Oak Knolls Mutual Water Company***

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***1500465***

***Source Monitoring Freq:***

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<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Violation</i>	<i>Comment</i>
4/18/2012	12:15	Well 02	<1.1	<1.1			
4/18/2012	12:17	Well 01	<1.1	<1.1			
4/18/2012	12:17	Well 03	<1.1	<1.1			
7/11/2012	9:22	Well 02	<1.1	<1.1			
7/11/2012	9:37	Well 03	<1.1	<1.1			
7/11/2012	9:38	Well 01	<1.1	<1.1			
10/3/2012	9:31	Well 03	<1.1	<1.1			
10/3/2012	9:38	Well 02	<1.1	<1.1			
10/10/2012	14:14	Well 01	<1.1	<1.1			

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